

**ATTORNEY'S DOCKET NUMBER: 2006517-0010 (Bacterial Delivery DIV2)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Caplan	Examiner:	Huynh
Serial No.:	10/728,323	Art Unit:	1644
Filing Date:	December 4, 2003	Conf. No.:	8163
Title:	MICROBIAL DELIVERY SYSTEM		

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE UNDER 37 C.F.R. § 1.116**

Responsive to the Final Office Action mailed January 9, 2009, Applicant respectfully requests entrance of the following Amendment and consideration of the following Remarks. The deadline for responding to the Office Action without fees was April 9, 2009. Applicant filed a Notice of Appeal, a three-month extension of time, and the requisite fees on July 9, 2009. The deadline for filing an Appeal Brief without fees was September 9, 2009. A five-month extension of time, from September 9, 2009, up to and including February 9, 2010, is hereby respectfully requested, and the extension fee of \$1175.00 under 37 C.F.R. § 1.17(a) for a small entity is being paid via the U.S. Patent and Trademark Office's Electronic Filing System's credit card payment option. Applicant thus submits that the present Response is timely submitted on Tuesday, February 9, 2010.

Please amend the above-identified application as follows:

**Amendments to the Claims** begin on page 2 of this Response.

**Remarks** begin on page 29 of this Response.